

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

July 10, 2006 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN ROSS

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - A. Regular Council Meeting of June 5, 2006
 - B. Recessed Council Meeting of June 15, 2006
2. Presentation & Resolution in Honor of Ronald Mason, Councilman
3. Presentation - Advantages of central sewer vs. on-sight wastewater system & Captains Cove Wastewater Project (DEQ & J.W. Salm Engineering, Inc)
4. Public Hearing – Revision of Fiscal Year 2006 Budget
5. Vice-Mayor Nomination
6. Committee Configuration of Assignments & Appointments
7. Committee Reports
 - A. Recreation & Convention Center Authority - May 8, 2006 meeting (Councilwoman Conklin)
 - B. Planning Commission (Councilwoman Richardson)
 - I. March 28, 2006
 - II. April 18, 2006
 - III. May 23, 2006
 - IV. June 6, 2006
 - C. Public Works – June 13, 2006 meeting
8. Public Participation

NEW BUSINESS

9. Consider Adoption of the Revised Fiscal Year 2006 Budget
10. Mayor & Council Announcements or Comments
11. Closed Meeting in Accordance with Section 2.2-3711(A)(!!) of the code of Virginia.
 - Legal Matters

ADJOURN:

**MINUTES OF THE JUNE 5, 2006
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor
Terry Howard, Councilman
Ronald Mason, Councilman
Ellen Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

1. *Call to Order.*

Mayor Tarr called the meeting to order at 7:30 p.m.

2. *Invocation.*

Councilman Howard offered the Invocation.

3. *Pledge of Allegiance.*

Mayor Tarr led the Pledge of Allegiance.

4. *Approval of Minutes of the May 1, 8 and 18, 2006 Council Meetings.*

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to approve the minutes as presented. The motion was unanimously approved.

5. *Introduction of Town Manager.*

Mayor Tarr introduced Mr. Robert G. Ritter, Jr. as the new Town Manager. Council and the public welcomed Mr. Ritter to the staff.

6. *Public Hearing – Fiscal Year 2007 Budget.*

Mayor Tarr opened the public hearing at 7:38 pm.

After hearing no comments, Mayor Tarr closed the public hearing at 7:41 pm.

Mayor Tarr stated that action on the FY 2007 budget will take place at the June 15, 2006 recessed Council meeting.

7. *Council Information Items.*

- Vice Mayor Conklin asked about the status of the letter that was sent to the USDA Rural Development questioning negotiated water rates with the Town of Onancock after the Town had been refused the same opportunity. Mr. Jeffries replied that Mr. Walpole of Congresswoman Drake's office has responded to the matter. He added that the USDA Rural Development was still inflexible regarding the water rates.

- Town Attorney Poulson asked about the \$500,000 grant from DC&R for the acquisition of the School Board property. Mr. Jeffries responded that it has been a difficult process and that it will be two or three weeks before the grant monies are received.
- Town Attorney Poulson asked about the Water Facilities ordinance that he forwarded to the Ordinance Committee for review. Mayor Tarr responded that the Committee will meet on June 14th to review the proposed ordinance. Councilman Wolffe suggested combining the Ordinance and Harbour Committee meetings regarding the abovementioned item. The Committee members agreed to hold a joint meeting on June 14th at 6:00 pm. Councilman Mason asked Mr. Jeffries to contact the other members of the Harbour Committee and advise them of the change.
- Town Attorney Poulson stated that Council can meet with Mr. Will Cumming and Mr. Tim Holloway of VDOT on June 14th. Mayor Tarr stated that Council would like to meet with them and that he will verify the date and time of the meeting.

8. Committee Reports.

- **Planning Commission-** Councilwoman Richardson stated that the Commission met on May 23rd and will meet again on June 6th at 7:00 pm. She stated that the Sign Ordinance is the topic of discussion for both May meetings. Councilwoman Richardson announced that the planners, Redman/Johnston will meet with the public on June 28 and 29, 2006 at 7:00 pm.
- **Public Works Committee-** Councilman Mason stated that the Committee met on May 9th and discussed estimates for sewage treatment survey costs as well as the Student Government Day recommendations.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met on April 16th and discussed the estimate of restrooms and breakwater repairs. He also stated that the Town received a \$200,000 grant from the Virginia Port Authority for the Harbor project.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee discussed four bids for the bond purchase and favored the bid from BB&T. She stated that the Committee agreed to set aside \$60,000 for the sewage treatment feasibility study. Vice Mayor Conklin stated that the Committee has made recommendations regarding trash cutbacks and insurance which will be discussed later in the Council meeting.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin stated that the Wild West Show has been cancelled due to a performer's injury and that the Center's Craft Show was very successful. She also stated that Debby Boone will be performing at the Christmas Show this year.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee met on May 10th and reviewed the plat of the property across from the high school. He added that they discussed possibly having a kayak park on that property. Councilman Ross stated that there was a discussion regarding placing small exercise stations around Memorial Park. Councilman Ross reported that he had received requests regarding transporting people to the Pocomoke YMCA via the Town's trolleys. He stated that Mr. Van Dame informed the requesters that the trolleys could not be used for transportation across the state line. Councilman Ross stated that the Committee also

discussed possible locations for the Waterman's Memorial. He announced that the next meeting will be in July.

- **Cemetery Committee-** Councilman Howard stated that the Committee met May 23rd and decided to clean some of the smaller cemeteries. He announced that the next meeting will be in September. Mrs. Donna Mason commended the Cemetery Committee and asked who owns the cemeteries. Mayor Tarr responded that her question should be discussed during public participation.

9. Public Participation.

- Mrs. Donna Mason asked who owns the cemeteries. Vice Mayor Conklin responded that she only knows the owner of one cemetery. Mrs. Mason reported on the severe erosion at the Bunting Cemetery. Councilman Howard responded that the Cemetery Committee will address the matter.
- Mr. Ray Rosenberger complimented the Budget and Personnel Committee for their efforts on the FY 2007 budget. He stated that he was concerned about employee retention due to rising insurance costs. Councilman Wolffe responded that staff was reviewing possible alternatives to the current health care plans.
- Mrs. Jane Wolffe stated that she appreciated the local YMCA support, including those who helped with the mailings and who have contributed donations to the local YMCA fund.
- Mr. Willis Dize reiterated his concern about the rising cost of health insurance. He also questioned why the Police Department phone number was posted on the trolley signs, which will ultimately increase the department's workload. Mayor Tarr responded that the Police Department's number was posted for emergency issues and so that handicapped patrons could give a location to be picked up by the trolley [because the Town Office closes at 5:00 pm]. Mayor Tarr recommended to Chief Lewis that the Department monitor those calls and report back to Mr. Van Dame.

10. Adoption of General Obligation Bond Ordinance & Resolution.

Mayor Tarr stated that the Budget and Personnel Committee recommended that Council accept the bid from BB&T for the purchase of a two million dollar bond and explained the terms of the bond. He also stated that Council has held the public hearing as required.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to adopt the following General Obligation Bond Ordinance and Resolutions. All Council members were in attendance; the motion was unanimously approved.

RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF A \$2,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2006, OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, on June 5, 2006, the Town Council (the "Town Council") of the Town of Chincoteague, Virginia (the "Town"), adopted an ordinance authorizing the

issuance of general obligation public improvement bonds in the maximum principal amount of \$2,000,000 to finance improvements to the water supply main (the "Project"), none of which bonds have been issued and sold;

WHEREAS, the Town's administration have recommended to the Town Council that the Town issue and sell its general obligation public improvement bonds through a private placement;

WHEREAS, the Town solicited proposals for the private placement of such bonds with a bank or other financial institution and four such proposals were received; and

WHEREAS, the Town's administration has recommended to the Town Council that the Town accept the proposal of Branch Banking and Trust Company (the "Bank"), dated May 12, 2006 (the "Proposal");

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE, VIRGINIA:

- 1. Issuance of Bond.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Town Charter and the Public Finance Act of 1991, there shall be issued and sold a \$2,000,000 general obligation public improvement bond of the Town (the "Bond") to provide funds to finance the Project and such other public improvement costs as Town Council shall from time to time authorize and to pay the costs of issuing the Bond. The Bond shall be sold to the Bank pursuant to the terms of the Proposal and this Resolution.
- 2. Bond Details.** The Bond shall be in the form of a single, typewritten bond, designated "General Obligation Public Improvement Bond, Series 2006," shall be in registered form, shall be dated the date of its delivery, shall be numbered R-1 and shall be sold to the Bank at a price of 100% of the aggregate principal amount thereof. The Bond shall bear interest on the unpaid principal at the rate of 4.36% per year, calculated on the basis of a 360-day year of twelve 30-day months. Payments on the Bond shall be in monthly installments of combined principal and interest in the amount of \$15,157.15, commencing July 1, 2006, and ending on June 1, 2021. If the date on which any payment is due with respect to the Bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia. Each installment shall be applied first to payment of interest accrued and unpaid to the payment date and then to principal. Principal and interest shall be payable in lawful money of the United States of America by check or draft mailed, or wire transferred, to the registered owner of the Bond at the address that appears on the registration books kept by the Registrar (as hereinafter defined), except that the final payment of principal and interest shall be made upon presentation and surrender of the Bond at the office of the Registrar.
- 3. Prepayment Provisions.** The Bond is subject to prepayment prior to maturity, at the option of the Town, in whole on any interest payment date, upon payment of the

principal amount of the Bond to be prepaid plus a redemption premium of 1% and interest accrued and unpaid to the date fixed for redemption.

4. Execution and Form of Bond. The Bond shall be signed by the manual signature of the Mayor or Vice Mayor and the Town's seal shall be affixed thereon and attested by the Town Clerk. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Mayor or Vice Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

5. Pledge of Full Faith and Credit. The full faith and credit of the Town are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Town Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and premium, if any, and interest on the Bond.

6. Registration, Transfer and Owners of Bond. The Bond shall be issued in registered form without coupons, payable to the registered holders or registered assigns. The Town Treasurer is hereby appointed paying agent and registrar for the Bond (the "Registrar"). The Town may in its discretion appoint at any time a qualified bank or trust company as successor Registrar. The Registrar shall maintain registration books for the registration and registration of transfers of Bond. Upon presentation and surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the Town shall execute and deliver in exchange, a new Bond having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rate, and registered in the name as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the Town, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the last Business Day of the month preceding each interest payment date.

7. Preparation and Delivery of Bond. The Mayor, Vice Mayor and Town Clerk are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the Bank upon payment therefor.

8. Arbitrage Covenants. The Town covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bond to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the Town shall comply with any

provision of law which may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the Town receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income of the registered owners thereof under existing law. The Town shall pay any such required rebate from its legally available funds.

9. Non-Arbitrage Certificate and Elections. Such officers of the Town as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the Town.

10. Limitation on Private Use. The Town covenants that it shall not permit the proceeds of the Bond or the facilities financed with the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the Town receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the Town need not comply with such covenants.

11. Qualified Tax-Exempt Obligations. The Town designates the Bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The Town represents and covenants as follows:

- (a) The Town will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2006, including the Bond, for the purpose of such Section 265(b)(3);
- (b) The Town, all its “subordinate entities,” within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the Town and its subordinate entities have not issued, in the aggregate, more than \$10,000,000 of tax-exempt obligations in calendar year 2006 (not including “private activity bonds,” within the meaning of Section 141 of the Code, other than “qualified 501(c)(3) bonds,” within the meaning of Section 145 of the Code), including the Bond;
- (c) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the Town and such other entities in calendar year 2006, result in the Town and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in

calendar year 2006 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and

(d) The Town has no reason to believe that the Town and such other entities will issue tax-exempt obligations in calendar year 2006 in an aggregate amount that will exceed such \$10,000,000 limit;

provided, however, that if the Town receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (a) or (c) above is not required for the Bond to be a qualified tax-exempt obligation, the Town need not comply with such covenant.

12. \$5,000,000 Annual Bond Limitation. The Town represents and covenants as follows:

(a) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of its “subordinate entities,” within the meaning of Section 148(f)(4)(C) of the Code, and all entities that issue tax-exempt obligations on behalf of the Town and its subordinate entities, if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued in calendar year 2006 by the Town and such other entities, result in the Town and such other entities having issued a total of more than \$5,000,000 of tax-exempt obligations in calendar year 2006 (not including private activity bonds), including the Bond;

(b) The Town has no reason to believe that the Town and such other entities will issue tax-exempt obligations in calendar year 2006 in an aggregate amount that will exceed such \$5,000,000 limit; and

(c) At least 95% of the proceeds of the Bond shall be used for “local government activities” of the Town within the meaning of Section 148(f)(4)(C) of the Code; provided, however, that if the Town receives an opinion of nationally recognized bond counsel acceptable to the holder that compliance with any restriction set forth in (a) or (c) above will not prevent the Town from having to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, the Town need not comply with such restriction.

13. Other Actions. All other actions of officers of the Town in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are approved and confirmed. The officers of the Town are authorized and directed to execute and deliver all agreements, certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond.

14. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

15. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A**REGISTERED****REGISTERED****No. R-1****June 5, 2006**

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF CHINCOTEAGUE
General Obligation Public Improvement Bond
Series 2006

The Town of Chincoteague, Virginia (the "Town"), for value received, promises to pay, to **Branch Banking and Trust Company**, or registered assigns or legal representative, the principal sum of **TWO MILLION DOLLARS (\$2,000,000)**, together with interest on the unpaid principal at the rate of 4.36% per year, calculated on the basis of a 360-day year of twelve 30-day months. Installments of combined principal and interest in the amount of \$15,157.15 shall be payable on the first day of each month, commencing July 1, 2006, with a final installment of combined principal and interest in the amount of \$15,157.15 due on June 1, 2021. If the date any payment is due with respect to this bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia. Each installment shall be applied first to payment of interest accrued and unpaid to the payment date and then to principal. If not sooner paid, the final payment, consisting of all unpaid principal and interest, shall be due on June 1, 2021.

Principal, premium, if any, and interest shall be payable in lawful money of the United States of America by check or draft to the registered owner of this bond at its address as it appears in the records of the Town Treasurer, who is hereby appointed the registrar and paying agent, or any successor registrar and paying agent (the "Registrar"), except that the final payment due under this bond is payable upon surrender and presentation of this bond at the office of the Registrar.

This bond is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Town Charter and the Public Finance Act of 1991. This bond has been authorized and issued pursuant to an ordinance and a resolution adopted by the Town Council on June 5, 2006, to provide funds to finance improvements to the Town's water supply main and to pay the costs of issuing this bond.

This bond is subject to prepayment prior to maturity, at the option of the Town, in whole on any interest payment date, upon payment of the principal amount of this bond to be prepaid plus a redemption premium of 1% and interest accrued and unpaid to the date fixed for redemption.

The full faith and credit of the Town are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Town Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the Town sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Town has designated this bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and interest on this bond and the exercise of all rights and powers of the owner.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and, together with all other indebtedness of the Town, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Town of Chincoteague, Virginia, has caused this bond to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by the Town Clerk, and this bond to be dated June 5, 2006.

Attest:

Mayor, Town of Chincoteague, Virginia

Town Clerk, Town of Chincoteague, Virginia

**ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL
OBLIGATION BOND OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, IN A
PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
CHINCOTEAGUE, VIRGINIA:**

1. It is determined to be necessary and expedient for the Town to finance improvements to the water supply main and to borrow money for such purpose and issue the Town’s general obligation bond therefor.

2. Pursuant to the Public Finance Act of 1991 and the Town Charter, there is authorized to be issued a general obligation bond of the Town in a principal amount not to exceed \$2,000,000 to provide funds to finance the acquisition.

3. The bond shall bear such date, mature at such time not to exceed twenty (20) years from its date, bear interest at such rate, be in such denomination and form, be executed in such manner and be sold at such time and in such manner as the Town Council may hereafter provide by appropriate resolution.

4. The bond shall be a general obligation of the Town for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The Town Clerk, in collaboration with the Town Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of Accomack County, Virginia.

6. This ordinance shall take effect immediately.

ADOPTED this 5th day of June, 2006.

APPROVED

Mayor of the Town of Chincoteague

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Town of Chincoteague, Virginia (the “Borrower”), intends to finance improvements to the Borrower’s 16” water supply main (the “Project”); and

WHEREAS, PLANS FOR THE Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt in an amount not currently expected to exceed \$2,000,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal

income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Adopted June 5, 2006.

Attest:

Mayor, Town of Chincoteague, Virginia

Town Clerk, Town of Chincoteague, Virginia

11. Scheduling of Public Meeting to Address Scheduled Bridge Openings.

Mayor Tarr explained that the U.S. Coast Guard has extended the comment period regarding the scheduled bridge openings for thirty days, ending June 30th. He added that the U.S. Coast Guard will hold a public meeting concerning this issue, but that a date and time has not yet been scheduled.

Councilman Wolffe stated that he was concerned about having the meeting at the end of June so close to the end of the comment period. Councilman Wolffe also stated that the public may pick up a comment sheet at the Town Office and/or bring written comments to the Town Office to be mailed to the U.S. Coast Guard.

12. Alternative to Ed McMahon Public Meeting.

Mayor Tarr explained that the Town has been actively trying to arrange a public meeting for a presentation by Mr. Ed McMahon for longer than a year. He stated that all efforts have been unsuccessful to date. Mayor Tarr stated that Mr. McMahon will not be able to

give a presentation in the near future, but does offer an alternative speaker with whom he has co-authored a publication.

Councilman Wolffe recommended waiting until Mr. McMahon could be scheduled. He further recommended that Council try to schedule the meeting with Mr. McMahon before the end of the year. It was the consensus of Council to accept Councilman Wolffe's recommendations as stated above. Mayor Tarr asked Mr. Jeffries and Town Manager Ritter to continue trying to schedule a meeting date with Mr. McMahon.

13. *Change of Date for 3 July 2006 Regular Meeting.*

Mayor Tarr stated that due to the July 4th holiday weekend and the fireworks display at the Firemen's Carnival on Monday, July 3rd, he is requesting that the date for the regular July Council meeting be changed to July 10th.

Councilman Howard motioned, seconded by Vice Mayor Conklin, to accept the change in the date for the regular July Council meeting from July 3 to July 10, 2006. The motion was unanimously approved.

14. *Budget & Personnel Committee Recommendations.*

- **Waste Disposal-** Vice Mayor Conklin stated that between April 1 and October 31 (seven months), the Town was currently paying \$5,136 per month for an extra trash pick-up each week at certain businesses and \$1,566 per month for cardboard recycling containers at certain businesses; the total for both services for seven months equals \$46,912. She stated that the Committee recommends reducing the services to three months – June, July and August which would result in an estimated savings of \$26,807.
- **Health Insurance-** Vice Mayor Conklin stated that the Committee considered an option for employee health insurance that would require the Town to contribute \$346 per month instead of the current \$335 per month to pay the entire premium for a single subscriber. She added that the Committee agreed to also recommend for consideration by Council the \$11 increase in the Town's contribution per month toward the employee's health insurance.

Councilman Wolffe motioned, seconded by Councilman Mason, to accept both recommendations of the Budget and Personnel Committee as stated above. The motion was unanimously approved.

15. *Other Matters.*

- Town Manager Ritter thanked Council for the opportunity to serve the constituents and the Council.
- Councilman Mason thanked Council and the citizens for the opportunity to serve them during the past four years of his term.

16. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters.

Councilman Howard motioned, seconded by Councilman Mason, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. The motion was unanimously approved.

Vice Mayor Conklin motioned, seconded by Councilman Mason, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilman Mason, to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, Howard, Mason, Richardson, Ross, Wolffe

Nays- None

Absent- None

17. Recess of Meeting.

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to recess the meeting until June 15, 2006 at 7:30 pm. The motion was unanimously approved.

Mayor

Town Manager

**MINUTES OF THE JUNE 15, 2006
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor
Terry Howard, Councilman
Ronald Mason, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolfe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Howard offered the Invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Mayor Tarr and Town Manager Ritter explained that the agenda needs to be formally adopted according to Robert's Rules of Order.

Councilman Mason motioned, seconded by Councilman Wolfe, to adopt the agenda as presented. The motion was unanimously approved.

1. Approval of Minutes of the May 31, 2006 Recessed Council Meeting.

Vice Mayor Conklin motioned, seconded by Councilman Howard to approve the minutes as presented. The motion was unanimously approved.

2. Resolution in Honor of the Late Earl Stephens, Former Councilman.

Mayor Tarr read the following resolution of respect. Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to adopt the following resolution. The motion was unanimously approved.

**A RESOLUTION OF THE
CHINCOTEAGUE TOWN COUNCIL**

WHEREAS, Earl R. Stephens served Chincoteague well for many years in many capacities; and

WHEREAS, he served faithfully as a member of Town Council and played a vital role in the development of the community; and

WHEREAS, his exemplary conduct and sense of fairness furthered the cause of better understanding and was an influence for good in the growth and progress of our community;

NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of Brother Earl Stephens, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed inestimable service to the people of the Town of Chincoteague by his work with the Council; and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the minutes of this meeting and a copy published in the Chincoteague Beacon.

IN TESTIMONY WHEREOF, the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, this 15th day of June, 2006.

Attest:

John H. Tarr, Mayor

Robert G. Ritter, Town Manager

3. *Banking Resolutions.*

Councilwoman Richardson motioned, seconded by Councilman Howard, to adopt the following banking resolution for Mercantile Peninsula Bank. The motion was unanimously approved.

BANKING RESOLUTION

Financial Institution: Mercantile Peninsula Bank

Chincoteague Branch
6402 Maddox Boulevard
P. O. Box 7
Chincoteague Island, VA 23336

Account No: 14-03533-5
14-01699-9

I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on June 15, 2006 at which a quorum was present and voting, the following resolution was adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X _____
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X _____
Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.

X _____
Nancy B. Conklin, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation’s accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent’s personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on June 16, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

x _____
*CLERK OF COUNCIL

x _____
*MAYOR, TOWN OF CHINCOTEAGUE

Councilman Mason motioned, seconded by Councilman Howard, to adopt the following banking resolution for Shore Bank. The motion was unanimously approved.

BANKING RESOLUTION

Financial Institution: Shore Bank

Chincoteague Branch
6350 Maddox Boulevard
P.O. Box 504
Chincoteague Island, VA 23336

Account No: 33-400709-2
53-400595-5

I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on June 15, 2006, at which a quorum was present and voting, the following resolution was adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X _____
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X _____
Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.

X _____
Nancy B. Conklin, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation’s accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent’s personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be

indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on June 16, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

x _____
*CLERK OF COUNCIL

x _____
*MAYOR, TOWN OF CHINCOTEAGUE

4. *Public Participation.*

- Mr. Ray Rosenberger stated that he recently attended a Harbor Committee meeting and learned about the Delmarva Power bulkhead condition that is preventing the completion of Edgerton Fish Company's concrete repairs. He suggested that a letter be sent from the Town to Delmarva Power to rectify the matter. Councilman Mason agreed that sending a letter would be a good idea.
- Mr. Bob Behr advised Council of a grant that is available for independent art councils from the State Art Commission. He further advised that on July 7th, the Town may create an Arts/Cultural District with a \$5,000 maximum matching grant (of which the deadline is April 2, 2007). Vice Mayor Conklin reminded Mr. Behr that the FY 2007 budget is already set. Councilman Wolffe stated that the matching monies could possibly be found. He also inquired as to the type of events to be attracted.
- Mrs. Ginney Van Dame commended Councilman Mason on his service to the community.

5. *Adoption of the Fiscal Year 2007 Budget.*

Vice Mayor Conklin motioned, seconded by Councilman Howard, to adopt the following budget for fiscal year 2007 and to appropriate the funds for disbursement. The motion was unanimously approved.

Town of Chincoteague
FY'07 Budget Revenues

Fund 10 - General Government

<u>Revenue Name</u>	<u>Number</u>	<u>Budgeted</u>
Real Estate Tax Levy	4001-0100	\$460,000
Tangible Property Tax Levy	4001-0125	\$320,000

Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 38,000
Meals Tax	4001-0500	\$432,000
Bank Franchise Tax	4001-0600	\$ 46,000
Sales Tax	4010-0100	\$115,000
Business License	4010-0200	\$120,000
Motor Vehicle License	4010-0300	\$ 71,000
Utilities Tax	4010-0500	\$295,000
Transient Occupancy Tax	4010-0600	\$345,000
Fines	4015-0100	\$ 36,000
Interest on Savings	4020-0100	\$ 70,000
Banner Donations	4041-0100	\$ 25
Cemetery Cleanup Donations	4041-0150	\$ 1,000
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$ 60,000
Zoning Advertisements	4041-0600	\$ 8,500
Grants/Litter	4045-0100	\$ 2,000
Sale of Capital Assets	4049-0100	\$ 2,000
ABC Profits	4051-0100	\$ 5,000
Optimum Choice-Retirees Spouse	4051-0200	\$ 14,100
VA Fire Programs	4051-0300	\$ 7,000
Revenue Sharing - USFWS	4061-0100	\$ 3,700
Harbor Administration	4061-0105	\$ 2,000
Recovery Cost from Water	4101-0200	\$105,144
Public Works Miscellaneous	4201-0100	\$ 20,000
Miscellaneous Income	4303-0100	\$ 10,000
Tipping Fee Refund - County	4303-0300	\$ 74,000
Law Enforcement Funds	4401-0100	\$124,446
Police Donations/Grants	4401-0150	\$ 20,000
911 Dispatch Revenue	4401-0200	\$ 15,000
911 Local Tax	4401-0300	\$ 42,000
VDOT Maintenance Funds	4501-0100	\$495,000
Road Permit Fees	4501-0101	\$ 1,000
DMV Agency Compensation	4501-0103	\$ 13,000
Transfer from Ramp Repair Fund	4701-0400	\$ 63,000
Transfer from Gen. Fund Savings	4701-1000	\$100,000
Transfer from Mosquito Control	4940-8900	\$ 75,000
Subtotal		\$3,635,915

Fund 20 - Main Street Project

Program Income	4501-0100	\$ 35,000
TEA-21 Grant	4501-0115	\$277,000
Boating Infrastructure Grant	4501-0130	\$ 43,500
Loan Repayment	4501-0200	\$ 4,820
Transfer from General Fund	4501-8900	\$ 63,000
Subtotal		\$423,320

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$ 2,600
Harbor Rent	4031-1000	\$ 40,000
Rent New Slips (Restroom)	4031-1001	\$ 9,000
Subleases	4031-1002	\$ 15,000
Dry/Winter Storage	4031-1003	\$ 2,000
Loading Dock	4031-1004	\$ 5,000
VA Port Authority Grant	4031-1050	\$276,000
Subtotal		\$349,600

Fund 40 - Mosquito Control

Revenue	4001-0100	\$140,000
Interest Income	4020-0100	\$ 7,500
Subtotal		\$147,500

Fund 70 – Trolley

Trolley Grants	4501-0100	\$ 55,200
Program Income	4501-0110	\$ 5,000
Transfer from General Fund	4501-8900	\$ 15,200
Subtotal		\$ 75,400

Fund 80 – Water

Water Rent	4101-0100	\$790,000
Water Adjustments	4101-2200	-\$ 2,000
Waterline Extensions	4131-0100	\$ 20,000
Service Connections	4131-0200	\$ 30,000
Interest on Water Savings	4131-0300	\$ 15,000
Miscellaneous	4131-0400	\$ 1,000
Availability Fees	4131-0500	\$190,000
Transfer from Water Reserve	4701-0700	\$187,867
Subtotal		\$1,231,867

TOTAL **\$5,863,602**

Town of Chincoteague
FY'07 Budget Expenditures

Fund 10 - General Fund

<u>Object of Expenditure</u>	<u>Number</u>	<u>Budgeted</u>
Mayor	5010-0101	\$ 4,800
Council	5010-0102	\$ 23,040
Town Office Staff	5010-1001	\$335,479

Emergency Med. Techs/ST	5010-1002	\$108,868
Overtime	5010-1003	\$ 17,000
Subtotal		\$489,187

Fund 10 - General Fund Dept. 5020

Social Security	5020-2001	\$ 37,423
Hospitalization	5020-2101	\$ 37,368
Blood Bank	5020-2102	\$ 100
Unemployment/Town	5020-2103	\$ 6,500
Retirement	5020-2201	\$ 20,619
VRS Life Insurance	5020-2202	\$ 2,169
Subtotal		\$104,179

Fund 10 - General Fund Dept. 5030

Bank Charges	5030-3100	\$ 1,000
Building Admin Expense	5030-3101	\$ 200
Cleaning	5030-3102	\$ 9,000
Planning Commission	5030-3103	\$ 100
Board of Zoning Appeals	5030-3104	\$ 100
Building Permit Surcharge	5030-3105	\$ 500
Board of Bldg Code Appeals	5030-3106	\$ 50
Emergency Medical Clothing	5030-3107	\$ 1,500
Insurance	5030-3401	\$ 85,000
Auditing	5030-3501	\$ 13,950
Donations	5030-3601	\$ 6,000
Transfer to Civic Center	5030-3701	\$ 86,250
Tourism 10% Meals Tax	5030-3705	\$ 43,200
ANPDC Membership	5030-4030	\$ 7,000
Scholarship	5030-4301	\$ 1,000
Office Sup./Publications	5030-4401	\$ 9,000
Office Equipment/Software Maint.	5030-4402	\$ 14,000
Postage	5030-4403	\$ 10,000
Tax Bills & Conversion	5030-4404	\$ 1,000
Motor Vehicle License	5030-4501	\$ 2,200
Travel & Training	5030-4801	\$ 3,800
Mayor's Expense	5030-4901	\$ 300
Council's Expense	5030-4902	\$ 500
Town Manager's Expense	5030-4903	\$ 250
Attorney/Consultant	5030-5101	\$ 25,000
Drug/Alcohol Testing	5030-5201	\$ 1,500
Christmas Dinner	5030-5501	\$ 4,000
Dues	5030-6101	\$ 3,000
VML Conference	5030-6102	\$ 1,000
Advertising	5030-7101	\$ 8,500

Building Maintenance	5030-7301	\$ 3,000
Electricity	5030-7401	\$ 14,500
Heating-Oil	5030-7402	\$ 5,200
VA Fire Prog/CVFC	5030-7601	\$ 6,000
EOC Operations/Training	5030-7602	\$ 1,000
Special Projects	5030-7701	\$ 5,000
Pony Penning Expense	5030-7702	\$ 5,000
Deer De-Pop Program	5030-7703	\$ 8,000
Telephone Bills	5030-8202	\$ 15,000
Optimum Choice-Retirees	5030-8401	\$ 33,243
Optimum Choice-Retirees Spouse	5030-8402	\$ 14,150
Miscellaneous	5030-8501	\$ 5,000
Cemetery Cleanup	5030-8600	\$ 1,500
Transfer to Main Street	5030-8800	\$ 63,000
Transfer to Trolley Fund	5030-8900	\$ 15,200
Subtotal		\$533,693

Fund 10 - General Fund Dept. 5090

Property Acquisition Reserve	5090-9704	\$ 25,000
Office Equipment	5090-9709	\$ 10,000
Bond-School Board Property	5090-9740	\$ 83,493
Planning Consultant	5090-9750	\$ 50,000
Software	5090-9760	\$ 42,368
Subtotal		\$210,759

Subtotal Dept. 50 \$1,337,818

Fund 10 - General Fund Dept. 6010

Salaries	6010-1001	\$ 79,041
Overtime	6010-1003	1,000
Subtotal		\$ 80,041

Fund 10 - General Fund Dept. 6020

Social Security	6020-2001	\$ 6,124
Hospitalization	6020-2101	\$ 8,304
Retirement	6020-2201	\$ 3,668
VRS Life Insurance	6020-2202	\$ 386
Subtotal		\$ 18,482

Fund 10 - General Fund Dept. 6030

Office Supplies	6030-4401	\$ 1,000
Gasoline/Diesel	6030-4701	\$ 50,000

Oil & Grease	6030-4703	\$ 1,500
Tools/Shop	6030-4704	\$ 1,000
Travel & Training	6030-4801	\$ 200
Clothing/Uniforms	6030-5202	\$ 6,500
Bldg. Maintenance	6030-7301	\$ 1,500
Equipment Repairs	6030-7302	\$ 10,000
Safety	6030-7303	\$ 200
Vehicle P/M's	6030-7304	\$ 3,000
Tires	6030-7305	\$ 3,000
Garage Supplies	6030-7306	\$ 500
Vehicle Repairs	6030-7307	\$ 5,000
Electricity	6030-7401	\$ 7,000
LP Gas	6030-7402	\$ 2,000
Sundry	6030-8501	\$ 200
Subtotal		\$ 92,600

Subtotal Dept. 60 **\$191,123**

Fund 10 - General Fund Dept. 6310

Salaries	6310-1001	\$155,146
Overtime	6310-1003	\$ 2,000
Subtotal		\$157,146

Fund 10 - General Fund Dept. 6320

Social Security	6320-2001	\$ 12,022
Hospitalization	6320-2101	\$ 37,368
Retirement	6320-2201	\$ 7,199
VRS Life Insurance	6320-2202	\$ 758
Subtotal		\$ 57,347

Fund 10 - General Fund Dept. 6330

Seasonal Decorations & Banners	6330-4100	\$ 5,000
Street Maintenance	6330-4101	\$ 1,000
Sidewalks	6330-4201	\$ 500
Street Signs/911	6330-4202	\$ 2,000
Tipping Fees	6330-4650	\$ 1,000
Tools	6330-4704	\$ 500
Mowers/Trimmers	6330-4708	\$ 500
Sanitation Service Contract	6330-6201	\$337,000
Other Facilities Expenses	6330-6202	\$ 500
Comfort Station	6330-6260	\$ 2,000

Weed Cutting/Spraying	6330-6301	\$ 200
Equipment Repairs	6330-7302	\$ 1,000
Electricity	6330-7401	\$ 4,000
Street Lights	6330-7450	\$ 52,000
Sundry	6330-8501	\$ 200
Parks & Rec Expense	6330-8590	\$ 5,000
Subtotal		\$412,400

Fund 10 - General Fund Dept. 6390

Drainage	6390-9105	\$ 20,000
Walk-Behind Planer	6390-6300	\$ 5,000
Base Mapping/GIS System	6390-9846	\$ 2,000
Church/Pension Drainage Project	6390-9855	\$ 35,000
Street Sweeper Pymt	6390-9870	\$ 28,167
Sewage Treatment Study	6390-9880	\$ 60,000
Subtotal		\$150,167

Subtotal Dept. 63 **\$777,060**

Fund 10 - General Fund Dept. 6510

Salaries	6510-1001	\$ 60,630
Overtime	6510-1003	\$ 2,000
Subtotal		\$ 62,630

Fund 10 - General Fund Dept. 6520

Social Security	6520-2001	\$ 4,792
Hospitalization	6520-2101	\$ 12,456
Retirement	6520-2201	\$ 2,814
VRS Life Insurance	6520-2202	\$ 296
Subtotal		\$ 20,358

Fund 10 - General Fund Dept. 6530

Street Maintenance	6530-4101	\$ 8,512
Snow Removal	6530-4102	\$ 2,000
Maint. Coatings/Replace	6530-4150	\$325,000
Sidewalks & Gutters	6530-4201	\$ 30,000
Signs/Traffic Control	6530-4202	\$ 20,000
Roadside Structures	6530-4250	\$ 8,000
Tools/Small Equipment	6530-4704	\$ 1,000
Drainage Maintenance	6530-6250	\$ 3,000
Weed Control	6530-6301	\$ 2,000
Equipment Rental	6530-7001	\$ 500

Electricity	6530-7450	\$ 12,000
Subtotal		\$412,012
Subtotal Dept. 65		\$495,000

Fund 10 - General Fund Dept 7010

Salaries/Officers	7010-1001	\$410,000
Overtime	7010-1003	\$ 7,500
Subtotal		\$417,500

Fund 10 - General Fund Dept. 7020

Social Security	7020-2001	\$ 31,912
Hospitalization	7020-2101	\$ 33,216
Retirement	7020-2201	\$ 17,699
VRS Life Insurance	7020-2202	\$ 1,862
Subtotal		\$ 84,689

Fund 10 - General Fund Dept. 7030

Travel & Training	7030-4801	\$ 8,500
Uniform Allowance (Off.)	7030-5201	\$ 6,000
Uniforms (Town)	7030-5202	\$ 1,500
Police Conference	7030-6102	\$ 400
Photography	7030-7201	\$ 300
Office Supp/Equip Maint	7030-7300	\$ 4,000
Equipment Repairs & Supplies	7030-7302	\$ 3,000
Vehicle Maintenance	7030-7304	\$ 4,900
Drug Enforcement	7030-7901	\$ 15,000
Academy Dues	7030-7903	\$ 3,700
Bicycle Patrol	7030-7904	\$ 200
Community/Youth Programs	7030-7905	\$ 5,000
Grant Funded Expenditures	7030-7906	\$ 5,000
Ammunition	7030-7907	\$ 1,400
Police Drug Dog	7030-7908	\$ 4,500
Pager Service	7030-8203	\$ 3,600
Sundry	7030-8501	\$ 1,200
Subtotal		\$ 68,200

Fund 10 - General Fund Dept. 7090

Patrol Vehicle	7090-9650	\$ 26,500
Subtotal		\$ 26,500

Subtotal Dept. 70		\$596,889
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Fund 10 - General Fund Dept 7510

Salaries/Dispatchers	7510-1001	\$172,000
Overtime	7510-1003	\$ 1,500
Subtotal		\$173,500

Fund 10 - General Fund Dept. 7520

Social Security	7520-2001	\$ 13,274
Hospitalization	7520-2101	\$ 16,608
Retirement	7520-2201	\$ 1,466
VRS Life Insurance	7520-2202	\$ 477
Subtotal		\$ 31,825

Fund 10 - General Fund Dept. 7530

Travel & Training	7530-4801	\$ 1,500
Uniform Allowance (Disp)	7530-5201	\$ 1,400
Uniform (Town for Disp)	7530-5202	\$ 500
Off. Supples/Equip. Maintenance	7530-7300	\$ 12,000
E911 Line Fees	7530-8202	\$ 6,000
911 Addressing	7530-8203	\$ 1,100
Sundry	7530-8501	\$ 200
Subtotal		\$ 22,700

Fund 10 - General Fund Dept. 7590

911 Equip Reserve Fund	7590-9270	\$ 10,000
Subtotal		\$ 10,000

Subtotal Dept. 75 **\$238,025**

Fund Total **\$3,635,915**

Fund 20 - Main Street Project

Maintenance	2030-7101	\$ 7,833
Electricity	2030-7401	\$ 6,000
Trf to Loan Pool	2030-7601	\$ 4,820
Subtotal		\$ 18,653

Main Street Project	2090-9711	\$404,667
Subtotal		\$404,667

Fund Total **\$423,328**

Fund 30 - Curtis Merritt Harbor Dept. 8010

Salaries	8010-1001	\$ 26,167
Overtime	8010-1003	\$ 200
Subtotal		\$ 26,367

Fund 30 - Curtis Merritt Harbor Dept. 8020

Social Security	8020-2001	\$ 2,018
Hospitalization	8020-2101	\$ 4,152
Retirement	8020-2201	\$ 1,215
VRS Life Insurance	8020-2202	\$ 128
Subtotal		\$ 8,513

Fund 30 - Curtis Merritt Harbor Dept. 8030

Admin. Expense/Town	8030-3100	\$ 2,000
Operations, Maintenance, Etc.	8030-7300	\$ 10,000
Sundry	8030-8501	\$ 1,000
Subtotal		\$ 13,000

Fund 30 - Curtis Merritt Harbor Dept. 8090

CMH Replacement Project	8090-9126	\$ 302,720
Subtotal		\$ 302,720

Fund Total **\$ 349,600**

Fund 40 - Mosquito Control Dept. 8510

Salaries	8510-1001	\$ 26,167
Overtime	8510-1003	\$ 13,000
Subtotal		\$ 39,167

Fund 40 - Mosquito Control Dept. 8520

Social Security	8520-2001	\$ 2,997
Hospitalization	8520-2101	\$ 4,152
Retirement	8520-2201	\$ 1,215
VRS Life Insurance	8520-2202	\$ 128
Subtotal		\$ 8,492

Fund 40 - Mosquito Control Dept. 8530

Insurance	8530-3401	\$ 8,100
Office Supplies	8530-4401	\$ 400
Chemicals	8530-4705	\$ 30,041
Contract Spraying	8530-4706	\$ 23,000

Travel, Training, Conference	8530-4801	\$ 200
Telephone, Pagers, Other	8530-6204	\$ 500
Advertising	8530-7101	\$ 200
Equipment Repairs/Maint.	8530-7302	\$ 1,000
Safety Equipment	8530-7303	\$ 200
Vehicle Maintenance	8530-7304	\$ 1,000
Sundry	8530-8501	\$ 200
Rent (11 of 15)	8530-8551	\$ 5,000
Subtotal		\$ 69,841

Fund 40 - Mosquito Control Dept. 8590

Fogging Pickup	8590-9123	\$ 14,000
Equipment	8590-9124	\$ 1,000
Drainage	8590-9125	\$ 15,000
Subtotal		\$ 30,000

Fund Total **\$147,500**

Fund 70 - Trolley Dept. 3010

Salaries	3010-0100	\$ 48,500
Subtotal		\$ 48,500

Fund 70 - Trolley Dept. 3020

Social Security	3020-2001	\$ 1,900
Subtotal		\$ 1,900

Fund 70 - Trolley Dept. 3020

Insurance	3030-3401	\$ 5,500
Supplies & Materials	3030-4401	\$ 1,500
Fuel	3030-4701	\$ 3,500
Equipment Repairs/Maint.	3030-7302	\$ 9,500
Other Expenses	3030-8501	\$ 5,000
Subtotal		\$ 25,000

Fund Total **\$ 75,400**

Fund 80 - Water Dept. 6210

Salaries	6210-1001	\$146,330
Overtime	6210-1003	\$ 3,000
Pump Duty	6210-1004	\$ 9,000
Subtotal		\$158,338

Fund 80 - Water Dept. 6220

Social Security	6220-2001	\$ 12,113
Hospitalization	6220-2101	\$ 20,760
Retirement	6220-2201	\$ 6,790
VRS Life Insurance	6220-2202	\$ 715
Subtotal		\$ 40,378

Fund 80 – Water Dept. 6230

Office Supplies, Equip. Maint.	6230-4401	\$ 3,000
Postage	6230-4403	\$ 5,000
Tools	6230-4704	\$ 500
Chemicals	6230-4705	\$ 6,000
Dues/License	6230-6101	\$ 700
Other Water Works Expense	6230-6200	\$ 500
Building Maint/Rehab.	6230-7301	\$ 500
Equipment Repairs	6230-7302	\$ 500
Raw water purchase (NASA)	6230-7400	\$ 2,000
Electricity	6230-7401	\$ 40,000
LP Gas	6230-7402	\$ 300
Distribution & Repairs	6230-8101	\$ 20,000
Supply Repairs	6230-8103	\$ 15,000
Pagers/Well Monitoring	6230-8202	\$ 1,000
Miss Utility	6230-8204	\$ 700
Sundry	6230-8501	\$ 200
Reimbursement to Fund 10	6230-8601	\$105,144
Regulation Compliance	6230-8750	\$ 200
State Groundwater Permits	6230-8770	\$ 6,042
Subtotal		\$207,286

Fund 80 - Water Dept. 6290

Water Main Extensions	6290-9101	\$ 30,000
Aquifer Test Plan	6290-9201	\$ 20,000
Water Bond-Supply Main St.	6290-9505	\$123,871
Water Bond-CIP	6290-9506	\$380,002
Water Tank Painting (CIP)	6290-9600	\$270,000
Base Mapping/GIS System	6290-9846	\$ 2,000
Subtotal		\$825,873

Fund Total **\$1,231,867**

Grand Total **\$5,863,602**

The following tax rates were approved for the current tax year within this budget:

Real Estate Tax Levy	\$0.10 per \$100 of assessed valuation
Mosquito Control Levy	\$0.03 per \$100 of assessed valuation
Tangible Property	\$0.85 per \$100 of assessed valuation
Meals Tax	4%
Transient Occupancy Tax	2%
Personal Property Tax Relief	61%

6. Adoption of the State Motor Vehicle Code.

Mayor Tarr stated that each year, Council is asked to consider re-adoption of Title 46.2 and §18.2-266 et seq. of the Code of Virginia. He further stated that this practice permits all changes and updates in the State Code relevant to the traffic and vehicle code to be enforced by our Police Department.

Councilman Wolffe motioned, seconded by Councilman Mason, to re-adopt Title 46.2 and §18.2-266 et seq. of the Code of Virginia and Section 58-2 of the Town Code as follows. The motion was unanimously approved.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect **July 1, 2006**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

(b) The provisions of this section, as readopted, shall be effective as of **its adoption**. As of such effective date, such re-adoption shall replace former section 58-2 as it existed prior to the effective date of re-adoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this re-adoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose.
(Code 1977, § 11-1; Ord. of 6-21-2001; Re-adopted 6-3-02, 6-2-03, 7-6-04, 6-16-05)

7. Creation of a New Appointed Position (Deputy Attorney).

Mayor Tarr explained that a newly created Mayor and Council appointed Deputy Attorney position would only be called upon during times in which the Town Attorney is absent from the area or such times the Mayor and Council determined to be a conflict of interest. Mayor Tarr stated that staff has recommended Ms. Cela Burge from Turner & Turner, Attorneys at Law as she has done work for the Town in the past with an opinion on our water rates and fees structure.

Councilman Wolffe motioned, seconded by Councilman Mason, to create a new appointed position of Deputy Attorney and offer Ms. Burge the position. The motion was unanimously approved.

8. Discussion on Fact Sheet Produced by NASA Public Affairs Office.

Mayor Tarr explained the fact sheet that was prepared by the NASA Public Affairs Office warning the public not to trespass on government property. Town Manager Ritter suggested that the fact sheet be handed out by Town Office staff to customers purchasing boat trailer decals. It was the consensus of Council to follow Town Manager Ritter's suggestion.

9. Mayor and Council Announcements or Comments.

- Vice Mayor Conklin recommended that the matter regarding the construction of structures on piers be placed on the July 10th regular Council meeting agenda. She also suggested that Mr. Ernie Bowden of the Harbor Committee be invited to the meeting.
- Councilman Wolffe asked that the wording of survey question number twenty on the Comprehensive Plan Questionnaire be changed to say '*restrict or prohibit*' instead of '*prohibit*'.
- Councilman Howard commended Mr. Behr on his efforts with the Arts/Cultural District work and his position on the Planning Commission.
- Councilman Ross asked about the impact of treated water from Captain's Cove being discharged into the Chincoteague Bay. Mayor Tarr responded that the comment period will be on June 21st at Arcadia High School. Councilman Wolffe recommended that the matter be placed on the July 10th regular Council meeting agenda. Town Manager Ritter suggested having an engineer from the project attend the July 10th Council meeting to answer questions.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on July 10, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager



RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL

WHEREAS, Ronald A. Mason has served this community well as a member of the Town Council since July 1, 2002; and

WHEREAS, his tenure on the Town Council has earned him the respect of the citizens of Chincoteague and people throughout Accomack County and the Commonwealth of Virginia; and

WHEREAS, as a member of the Town Council he has faithfully served as a member of Liaison Committee, the Bicycling Advisory Committee, as Chairman of the Public Works Committee, and as Chairman of the Harbor Committee; and

WHEREAS, the exemplary conduct and sense of fairness he has demonstrated in all capacities as Councilman has furthered the cause of better understanding, and has been an influence for good in the growth and progress of our community;

NOW, THEREFORE, I, John H. Tarr, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, and speaking on behalf of the entire Town Council and all our citizens, do hereby tender this Resolution, extending our deep appreciation to Brother Ronald A. Mason. We wish him success in all future endeavors, and are grateful to have served with him.

DATED this 3rd day of July, 2006.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Town Manager

TO: Mayor Tarr and Town Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: June 26, 2006

SUBJECT: FY'06 Budget Revision

A budget revision is necessary for the Fiscal Year '06 budget for three major reasons. First, to include the water main rehabilitation project, this project was not in the original budget. Second, to include the loan proceeds from the 2006 General Obligation Bond for the water main rehabilitation project. Third, a number of accounts had overages and some accounts (projects) were not used during the year. The most significant change in the general fund is the reduction in the transfer from reserves necessary to meet the budgeted needs.

It is staff's recommendation that Council adopt the budget revisions after the Public Hearing.

If you have any questions, please do not hesitate to contact me.

The budget revisions are attached.

	EXPENDITURES			
GENERAL GOVERNMENT				
105010.1001	TOWN OFFICE STAFF	\$ 312,587.00	\$ (80,000.00)	\$ 232,587.00
105010.1003	OVERTIME	\$ 16,000.00	\$ 2,000.00	\$ 18,000.00
105030.2001	SOCIAL SECURITY	\$ 35,158.00	\$ (7,000.00)	\$ 28,158.00
105030.2101	HOSPITALIZATION	\$ 33,660.00	\$ (7,000.00)	\$ 26,660.00
105030.2103	UNEMPLOYMENT/TOWN	\$ 6,100.00	\$ 400.00	\$ 6,500.00
			\$ (91,600.00)	
105030.3100	BANK CHARGES	\$ 3,000.00	\$ (2,000.00)	\$ 1,000.00
105030.3101	CLEANING	\$ 10,000.00	\$ (1,000.00)	\$ 9,000.00
105030.3401	INSURANCE	\$ 80,000.00	\$ (2,239.00)	\$ 77,761.00
105030.3601	DONATIONS	\$ 6,000.00	\$ 500.00	\$ 6,500.00
105030.4031	REGIONAL MAIN STREET	\$ 2,000.00	\$ (2,000.00)	\$ -
105030.4801	TRAVEL & TRAINING	\$ 3,200.00	\$ 650.00	\$ 3,850.00
105030.4902	COUNCIL'S EXPENSE	\$ 500.00	\$ 700.00	\$ 1,200.00
105030.4903	TOWN MANAGER'S EXPENSE	\$ 250.00	\$ 3,400.00	\$ 3,650.00
105030.5101	ATTORNEY/LEG. CONSULTANT	\$ 15,000.00	\$ 45,000.00	\$ 60,000.00
105030.5201	DRUG/ALCOHOL TESTING	\$ 1,500.00	\$ 210.00	\$ 1,710.00
105030.6102	VML CONFERENCE	\$ 1,000.00	\$ (1,000.00)	\$ -
105030.7402	HEATING OIL	\$ 3,500.00	\$ 800.00	\$ 4,300.00
105030.7601	VA FIRE PROG/CVFC	\$ 6,000.00	\$ 3,781.00	\$ 9,781.00
105030.7701	SPECIAL PROJECTS	\$ 3,000.00	\$ 5,500.00	\$ 8,500.00
105030.8501	MISCELLANEOUS	\$ 3,000.00	\$ 4,100.00	\$ 7,100.00
			\$ 56,402.00	
105090.9740	BOND-SCHOOL BD PROPERTY	\$ 99,493.00	\$ (36,949.00)	\$ 62,544.00
105090.9750	PLANNING CONSULTANTS	\$ 100,000.00	\$ (96,313.00)	\$ 3,687.00
			\$ (133,262.00)	
PUBLIC WORKS ADMIN				
106010.1001	SALARIES	\$ 82,794.00	\$ 8,000.00	\$ 90,794.00
106020.2001	SOCIAL SECURITY	\$ 6,334.00	\$ 300.00	\$ 6,634.00
			\$ 8,300.00	
106030.4701	GASOLINE/DIESEL	\$ 35,000.00	\$ 22,600.00	\$ 57,600.00
106030.5202	CLOTHING/UNIFORMS	\$ 6,500.00	\$ 250.00	\$ 6,750.00
106030.7301	BLDG. MAINTENANCE	\$ 1,500.00	\$ 100.00	\$ 1,600.00
			\$ 22,950.00	

WATER DIVISION				
106210.1004	PUMP DUTY	\$ 8,500.00	\$ 1,000.00	\$ 9,500.00
			\$ 1,000.00	
106290.9101	WATER MAIN EXTENSIONS	\$ 20,000.00	\$ 23,400.00	\$ 43,400.00
106290.9506	WATER BOND-CIP	\$ 675,000.00	\$2,100,000.00	\$ 2,775,000.00
106290.9600	WATER TANK PAINTING (CIP)	\$ 260,000.00	\$ (260,000.00)	\$ -
106290.9846	BASE MAPPING/GIS SYSTEM	\$ 41,250.00	\$ 4,338.00	\$ 45,588.00
106290.9502	TRANSFER TO WATER RESERVE	\$ -	\$ 205,728.00	\$ 205,728.00
			\$2,073,466.00	
FACILITIES DIVISION				
106330.4100	STREET MAINTENANCE	\$ 1,000.00	\$ 375.00	\$ 1,375.00
106330.4201	SIDEWALKS	\$ 500.00	\$ 950.00	\$ 1,450.00
106330.4650	TIPPING FEES	\$ 500.00	\$ 65.00	\$ 565.00
106330.6201	SANITATION SERVICE CONTRA	\$ 345,000.00	\$ 7,600.00	\$ 352,600.00
106330.8501	SUNDRY	\$ 200.00	\$ 150.00	\$ 350.00
106330.8590	PARKS & REC EXPENSE	\$ 5,000.00	\$ 100.00	\$ 5,100.00
			\$ 9,240.00	
106390.9105	DRAINAGE	\$ 20,000.00	\$ 3,300.00	\$ 23,300.00
106390.9250	STAINLESS STEEL SPREADER	\$ 10,000.00	\$ 4,200.00	\$ 14,200.00
106390.9855	CHURCH/PENSION DRG. PROJ	\$ 35,000.00	\$ (35,000.00)	\$ -
106390.9870	STREET SWEEPER PYMT	\$ 28,000.00	\$ 168.00	\$ 28,168.00
			\$ (27,332.00)	
POLICE DEPARTMENT				
107010.1001	SALARIES/OFFICERS	\$ 408,191.00	\$ (50,000.00)	\$ 358,191.00
107010.1003	OVERTIME	\$ 5,000.00	\$ 5,700.00	\$ 10,700.00
107020.2101	HOSPITALIZATION	\$ 31,680.00	\$ (9,000.00)	\$ 22,680.00
			\$ (53,300.00)	
107030.7905	COMMUNITY/YOUTH PROGRAM	\$ 5,000.00	\$ 8,100.00	\$ 13,100.00
107030.8501	SUNDRY	\$ 200.00	\$ 1,050.00	\$ 1,250.00
			\$ 9,150.00	\$ 9,150.00
107090.9300	VEHICLE CAMERA SYSTEM	\$ 5,000.00	\$ 550.00	\$ 5,550.00
			\$ 550.00	
EMERGENCY DISPATCH DIV				
107510.1001	SALARIES/DISPATCHERS	\$ 169,963.00	\$ (20,000.00)	\$ 149,963.00
			\$ (20,000.00)	
			\$1,855,564.00	

Committee & Appointments

July 10, 2006

Budget & Personnel Committee

Nancy Conklin – Chair
Glenn Wolffe
Anita Speidel

Ordinance Committee

David Ross – Chair
Terry Howard
Nancy Conklin

Meal Tax Committee

Nancy Conklin

Harbor Committee

Terry Howard – Chair
David Ross

Recreation & Community Enhancement Committee

Anita Speidel – Chair
David Ross
Ellen Richardson

Public Works Committee

Glenn Wolffe – Chair
John H. Tarr
Terry Howard

Planning Commission

Ellen Richardson

Cemetery Committee

Terry Howard- Chair
Ellen Richardson

Safety & Transportation Committee

John Tarr- Chair
Glenn Wolffe
David Ross

Liaison Committee

John Tarr
Anita Speidel
Glenn Wolffe

Chincoteague Recreation & Convention Center Authority

Nancy Conklin

Notes:

- Public works committee has taking in Mosquito Control.
- Safety & Transportation Committee has combined Police Commission, Public Safety Committee and Chincoteague-Assateague Transportation and Access Committee.
- Recreation & Community Enhancement Committee has combined Bicycle Advisory and Main Street Revitalization Committees.

CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY
MINUTES
May 8, 2006

Authority Members Present:

Mr. Bill Chrisman, Chairman
Hon. Nancy Conklin
Mr. Bill Fallon
Mr. Bill McComb
Mr. Steve Potts

Staff Present:

Therese Hamilton, Director

Others Present:

Mrs. Jane Wolffe, YMCA rep.
Mrs. Marguerite Wolff, YMCA rep.
Mr. Gary White, YMCA rep.
Mr. Sam Serio, Blueberry Festival rep.
Mrs. Tammy Serio, Blueberry Fest. rep.

Chairman Chrisman called the meeting to order at 3:00 pm.

1. Approval of Minutes of the April 10, 2006 Meeting. The minutes were not prepared in time for approval.
2. YMCA Presentation. Mrs. Wolffe, chairman for the YMCA Steering Committee, introduced Mr. White from the Pocomoke YMCA. Mr. White explained the process of beginning a local YMCA. He asked if the Center would be available for some of the YMCA's activities and explained that they would be very flexible around the Center's availability.

Chairman Chrisman asked how the construction, operation and maintenance of the Pocomoke YMCA facility was funded. Mr. White responded that the United Way donated \$2,000 to the project, and the rest of the funds were raised by the YMCA for construction of the new facility. He explained that half of the operating and maintenance funds comes from membership dues and the other half is raised through grants, programs, donations and fundraisers. Chairman Chrisman asked if his facility was rented for activities. Mr. White responded that they don't actually rent the building to organizations, but that occasionally a building like that on Church Street could be rented for the night for \$200 to \$250.

Mr. McComb asked how extra maintenance costs for the Center could be recouped if activities occurred during down time or during the day. Mr. White responded that he realized that there would be fees involved for using the Center.

Mr. Potts asked about the type of activities the YMCA wished to hold at the Center. Mr. White responded that some activities included ballroom dancing, senior fitness and aerobics. He added that after the pool opened, other activities could be added.

Vice Mayor Conklin asked how much the dues are that must be paid to the national chapter. Mr. White responded that the amount is 1% and is based on the membership. He explained that training, certification and insurance are received in return for the dues paid to the national chapter.

Mrs. Jane Wolffe stated that the Steering Committee has been concentrating on distributing the survey in order to determine the public's main interests. She added that they had a temporary office in the Landmark Plaza.

Director Hamilton explained the rental options and fees associated with using the Center for the YMCA activities. The Authority recommended that the Steering Committee report back to them at a future meeting with specific activities that they want to hold at the Center.

3. Blueberry Festival Update. Mr. Sam Serio stated that he wanted to clarify some things and state his intentions with the festival. He informed the Authority that he wished to produce a number of events in the area. Mr. Serio asked for assurance that he will be able to have the festival again at the Center in future years. Chairman Chrisman stated that the way to guarantee that the event could be held would be to book the event and pay the required deposit. Vice Mayor Conklin stated that she felt the problem that Mr. Serio was facing was that he will be receiving the proceeds from the festival so all vendors are required to obtain a Town business license. She further stated that had Mr. Serio agreed to hold the event in conjunction with the Center, the vendors would not have had to obtain the business license because the event would be co-sponsored by a non-profit organization. Mr. Serio commented that if the vendors had a problem with obtaining a \$30 license, then they were not the right vendors for the event.

Mr. Serio stated that he wished to hold several events at the Center throughout the year, but wanted to be guaranteed that the Center wasn't going to sponsor events on the dates he chooses. Mr. McComb responded that the Authority would work together with Mr. Serio for his events and not work against him. He explained that the Center did sponsor several events throughout the year, though, and that the Center would be guaranteed those particular dates.

Mr. Serio asked if the day after the Blueberry Festival was available for rent. Director Hamilton stated that normally, it would not be available because the Center sponsors the Wild West Show. This year, however, the show was cancelled due to the performer's illness. Mr. Serio asked if he could rent the Center for that day [the day after the Blueberry Festival] at half price due to the recent cancellation. He stated that the vendors that participate in the festival will be offered to return the next day at no cost. The Authority agreed that if they offer it to him at half price, then they would have to offer it to everyone at that price. They further agreed that they have established rates and could not change the rate for private, for-profit entities.

4. Director's Report. Director Hamilton reported on the Spring Craft Show. She distributed a statement showing the profits from the event.

Director Hamilton reported on some minor problems with the Trane serviceman. She stated that when he left after the last service on the chiller, he said that everything was working properly. However, Director Hamilton stated that there was no air conditioning for the Craft Show. She reported that she called the serviceman to explain the problem and he came the following day to repair the system, which was still not working after six hours. He returned the next day, repaired the compressor and told Director Hamilton that the system was then working. Director Hamilton stated that he returned the next morning to make sure the system was working properly and left mid-morning. She reported that about three hours later the hall was hot again and that the system

was not working properly. Director Hamilton stated that the two questions she had was that since the serviceman had told her on the last day that he came that the problem was probably due to the thermostat, was there even really a problem with the chiller, and also, why wasn't she told that it was the thermostat to begin with? She asked the Authority if she should contest the additional bills for the service calls when she received them due to the discrepancy in the serviceman's assessment of the system. The Authority responded that she should. The Authority recommended that she continue to keep a log of the service calls and repairs made.

Director Hamilton stated that the Virginia Tourism Commission was interested in holding their 2007 conference at the Center. She stated that they offered to feature the Center on their website as "The Little Center That Did".

Director Hamilton updated the Authority on the Christmas Show. She stated that she still did not have a signed contract with Debbie Boone, but that they currently have a verbal agreement. Director Hamilton reported that the cost of the event will be \$17,500 and that Ms. Boone requested that the Center provide some extra musicians. She asked the Authority if it was feasible to acquire additional musicians. The Authority agreed and offered some suggestions, but reminded Director Hamilton that a lot of money could not be spent on the extra musicians.

Director Hamilton recommended to the Authority that a surcharge be added to each customer's bill to offset increasing utility costs. There was a brief discussion regarding such. Director Hamilton recommended adding a \$25 surcharge to the bill. The Authority recommended that the matter be tabled until the next meeting.

Director Hamilton reported that Jessica Brown recently had her dance recital. She stated that they scratched the floor when putting the chairs away and did not turn off the recessed lighting which, as a result, stayed on all weekend. Director Hamilton asked the Authority whether or not she should refund Ms. Brown's deposit. It was the consensus of the Authority not to refund Ms. Brown's deposit due to the abovementioned items as well as several other items that happened during her rental contract.

Director Hamilton stated that two groups have approached her about changing their lease in order to rent the building. She stated that in the past, she has changed one group's lease to accommodate them. Director Hamilton was concerned that since the lease was changed in the past, the group may expect it again. In addition, she felt that if one lease was changed, the other group may want its lease changed as well. The Authority recommended that instances such as this should be considered on a case-by-case basis.

Director Hamilton stated that on a couple of occasions, the Chamber of Commerce did not return the tables to the Center after their off-premise events. She stated that she realizes that the tables belong to the Chamber but that she was trying to keep track of the tables so that they all get returned properly and also because the Center uses the tables.

Director Hamilton also raised the question of whether she should pay for the two tickets that she reserved for the Chamber Dinner/Dance. She stated that she called a Chamber employee to let her know that she could not attend after all due to illness and an injury. Director Hamilton

questioned why she had to pay for the tickets anyway since the Chamber was having the Dinner/Dance at the Center and she had to be there anyway. Mr. Fallon pointed out that Director Hamilton was supposed to be there as a Center employee and not as an attendee of the event. Mr. Potts stated that she should pay for the tickets because she did reserve them and also to keep a working rapport with the Chamber members. The Authority agreed and recommended that Director Hamilton pay for the two tickets.

Director Hamilton mentioned that the Oyster Bay Community Association uses the Center free of charge for about four hours on Saturday mornings in April. She stated that the group has been doing this since the Center opened because the organization donated the Tree of Life in the lobby. Director Hamilton asked if the Authority wished to continue allowing the association to hold their meetings at the Center at no charge. It was the consensus of the Authority to discontinue the free meetings. Several members agreed that usually donations are not made in order to receive something in return.

5. Adjournment. Chairman Chrisman announced that the next meeting will be on June 12, 2006. Mr. Fallon motioned, seconded by Mr. McComb, to adjourn the meeting. The motion was unanimously approved.

MINUTES OF THE MARCH 28, 2006 MEETING OF THE CHINCOTEAGUE PLANNING COMMISSION

Members Present:

Mr. Ray Rosenberger, Chairman
 Mrs. Jane Wolffe
 Mr. Ray Daisey
 Mrs. Ellen Richardson
 Mr. Robert Behr
 Mr. Tom Derrickson
 Mrs. Mollie Cherrix
 Mr. Kenny L Lewis, Staff Support

1. Call to Order.

Chairman Rosenberger called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

2. Minutes of January 24, February 15, February 28, and March 15, 2006.

Mrs. Richardson advised that on the minutes where the prohibited signs were addressed, the section of flashing signs says "except temperature and time", the new wording was left out in this wording. Mr. Rosenberger advised that the Commission will address it when they review that section again.

Mr. Daisey advised that in item number four on page two of the January 24th meeting, the minutes showed that his statement was for boat trailers and not residential cars.

Mr. Behr motioned, seconded by Mrs. Richardson, to approve the minutes as corrected. All in favor. Motion carried.

3. Board of Zoning Appeals Agenda

Mr. Rosenberger advised that when the Planning Commission and the Board of Zoning Appeals met, they requested that the Commission look at the cases presented to them for recommendations. Mr. Rosenberger advised that the Commission's position is to recommend and not tell the BZA what to do on these cases. Mr. Rosenberger advised that the BZA has a hard job in trying to resolve these cases.

Appeal 06-04-01. A request from Paul Sonczewski, 7180 Mason Drive, for a variance from Article 3, section 3.9.3.2 of the Town of Chincoteague's Zoning Ordinance. The petitioner wishes to replace a mobile home on said lot. Current zoning requires the placement of the mobile home 25' from the rear lot line. The petitioner wishes to place the mobile home 14' from said lot line. This property is zoned Residential District R-3.

Mr. Rosenberger felt that the mobile home is too big for the lot. Mr. Rosenberger stated that there are several nice bungalows on Mason Drive and felt that the same could be placed on this lot.

Mr. Daisey asked if this variance was approved, would they have to get BZA approval to add on the unit. Mr. Lewis advised that provided they meet current zoning, he felt no BZA approval was needed unless required by such Board.

Mrs. Cherrix asked if other mobile homes on Mason Drive are positioned as this will be. Mr. Lewis advised that there are several mobile homes on Mason Drive that are arranged on the lot similarly. Mrs. Cherrix felt they could place a double wide on the lot and meet all the required setbacks.

Mr. Derrickson asked if the septic system will be located under the mobile home. Mr. Lewis advised that he was under the impression that the tank will be relocated if approved. Mr. Derrickson felt that he could not comment on this appeal to render a fair opinion since he has not visited the property.

The Commission will recommend to the BZA that they consider the ordinance requirements as written when making their decision. The Commission was concerned regarding the location of the septic tank.

Appeal 06-04-02. A request from John Gray, 7071 Lookout Lane, for a variance from Article 3 section 3.9.5 (1) of the Town of Chincoteague's Zoning Ordinance. The petitioner wishes to construct a new residential dwelling 13' 4" from the side yard right-of-way. Current zoning requires the placement of the new structure 25' from said right-of-way. This property is zoned Residential District R-3.

Mr. Lewis advised that on two occasions he issued building permits to place a home on this parcel. When the developer staked out the building, it was observed that he was fronting a right-of-way instead of an easement. Once the right-of-way was identified, Mr. Gray was required to be 25' from said right-of-way instead of 10' from an easement. Mr. Lewis advised he had talked with Mr. Poulson regarding this matter and he agreed that Mr. Gray needed to be 25' off such right-of-way. Mr. Lewis advised that this parcel fronts on Eastside Road with a flag lot with a right-of-way going through the lot.

Mr. Rosenberger felt that the new house fills up the lot. Mr. Rosenberger felt that if the deck was removed, then he would be able to meet zoning.

The Commission would recommend to the BZA that they consider the ordinance requirements as written when making their decision.

Appeal 06-04-03. A request from Stanley Holstein, 6552 Maddox Blvd., for a variance from Article 6, section 6.6.8 of the Town of Chincoteague's Zoning Ordinance. The petitioner wishes to change the use of the Haven Cottages to

commercial stores. The petitioner has identified 12 on-site parking spaces. Current zoning requires a minimum of 24 parking spaces. This property is zoned Commercial District C-1.

Mr. Behr asked if the amount of required parking would decrease if Mr. Holstein reduced the amount of proposed businesses on the property. Mr. Lewis advised that the number of required parking spaces was based on the document he submitted for 5 businesses.

The Commission felt that parking is a big issue. The Commission would recommend to the BZA that they consider the ordinance requirements as written when making their decision.

Appeal 06-04-04. A request from Miss Molly's Inn, 4141 Main Street, for a variance from Article 3, sections 3.9.1. (2), 3.9.3 (1) and 3.9.3 (2) of the Town of Chincoteague's Zoning Ordinance. The petitioner wishes to change the use of the storage building at the rear of the property behind the main structure to a residential use. Current zoning requires the lot size to be a minimum of 13,500 sq. ft. in area and the units be attached. The current lot size is approximately 11,500 sq. ft. in area and the units are not attached. Current zoning requires a minimum 10' side yard setback. The structure is located 18" from the side lot line. Current zoning requires a minimum 25' rear yard setback. The structure is located 5' from the rear lot line. This property is zoned Commercial District C-2.

Mr. Rosenberger asked what the current use of the structure is. Mr. Lewis stated that it is an old abandoned residence. He added that it is currently used as a storage building. Mr. Lewis advised that the owner was doing repair work when he was approached. The owner advised that it was for storage only. Mr. Lewis stated that when he entered the building, he observed a full bedroom on the second story. Mr. Lewis advised the Commission that he told the property owner to remove the bedroom. He then told the Commission that the property owner's plumber requested a plumbing inspection at the structure. Mr. Lewis stated that he stopped by the property and questioned the owner again. At that time, the owner filed an appeal with the Board.

Mrs. Cherrix asked if he intended to rent out this structure or use it himself.

Mr. Daisey responded that in the owner's letter, it states that he plans to use the structure as business and residential use.

The Commission would recommend to the BZA that they consider the ordinance requirements as written when making their decision. The Commission was concerned with the owner's statements regarding use. It appears that several statements contradict each other.

4. Other Business.

The Commission raised concerns regarding the newspaper article about the Pony Pines project. In the article, it states that the subdivision that is for sale is an approved subdivision. The Commission advised that they have not approved this subdivision as of this meeting; therefore, the advertisement is incorrect.

The Commission raised concerns regarding the statement of Mr. Jim Frese at the Board of Zoning Appeals meeting where he stated that the placement of condominium régimes are illegal in being placed in a subdivision ordinance. Mr. Daisey advised that Mr. Frese told the Board members that this was in the State Code. Mrs. Wolffe asked if the Commission should respond to the BZA regarding this matter.

In other business, Mr. Behr advised the Commission that he had talked with Ed McMahon to see if he would come to the Island to give a presentation. Mr. McMahon's fee is \$2,000.00, plus travel expenses. Mr. McGowan of the Accomack-Northampton Planning District Commission is also trying to get Mr. McMahon to come to the Shore. Mr. Rosenberger stated that he will speak with Mr. McGowan to see about his progress in contacting Mr. McMahon and possibly splitting the cost of the presentation and expenses with the A-NPDC.

Mr. Rosenberger stated that he would like to establish an Arts sub-committee. He stated that the sub-committee would report to the Planning Commission with their recommendations. Mr. Rosenberger requested that this be placed on the next agenda.

The Commission requested to hold a work session on April 18, 2006 to continue their review of the sign ordinance.

Mrs. Wolffe requested a monthly report on the status of the planners that the Town obtained.

Mr. Daisey requested that the issue of a subdivision with a marina be reviewed since the current ordinance requires that parking be provided. Mr. Daisey requested that the Commission address the issue of parking boat trailers in a subdivision when the developer writes in the covenants that boat trailers are prohibited within the subdivision. The Commission asked where the boat trailers would be parked.

Mr. Lewis advised that the Town Council has not addressed the last recommendation sent to them. He stated that the Council has requested that Mr. Poulson review the proposed changes of the subdivision ordinance. Mr. Lewis advised that he is not aware if Mr. Poulson has responded to the request of Council.

Several members of the Planning Commission raised concerns regarding the boat trailers located on Ridge Road near Holly Ridge Mobile Home Park that create hazards by being located within the bike path.

Mr. Rosenberger asked Mr. Lewis if Mr. Poulson had advised if the Planning Commission could table a matter for 30 days prior to acting on such. Mr. Lewis responded that Mr. Poulson advised that it was within the Commission's rights.

5. Adjournment.

Chairman Rosenberger adjourned the meeting.

Mr. Ray Rosenberger, Chairman

MINUTES OF THE APRIL 18, 2006 MEETING OF THE CHINCOTEAGUE PLANNING COMMISSION

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Jane Wolffe
Mrs. Ellen Richardson
Mr. Tom Derrickson
Mr. Kenny L Lewis, Staff Support

Members Absent:

Mrs. Mollie Cherrix
Mr. Ray Daisey
Mr. Bob Behr

1. Call to Order.

Chairman Rosenberger called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

2. Public Participation

- Mrs. Anita Merritt addressed the Committee regarding the real estate signs and directional signs that have to be placed 10' from the right-of-way. She advised that the ten-foot setback is interfering with the marketing of the properties because people cannot see the signs. She stated that if there are no safety hazards, then the sign setbacks should be 5' from the right-of-way.
- Mrs. Gladys Baczek asked the Committee why, since she has been to court twice over this issue, the ordinance has become a problem since it was not enforced over the years. She stated that the Commission is putting a hardship on the property owners because people cannot see the signs. Mrs. Baczek stated that as long as the signs are not creating a traffic hazard, she does not see the problem. She felt that there should be different guidelines for properties for sale and those for rent. Mrs. Baczek felt that vacation rental signs should be placed closer to the structures so as not to confuse the for-sale signs.
- Mr. Royce Jones stated that he has served on the Planning Commission and on the Town Council. He stated that his biggest problem is that if property owners wanted to sell their properties and no one could see the signs, he would be upset. Mr. Jones stated that the property that the signs are located on are private property. He agreed with Mrs. Baczek's comments. Mr. Jones stated that he would not have voted for these regulations if they had been presented when he was on Council. He stated that he measures his sign to be ten feet from the right-of-way. Mr. Jones advised that the people cutting grass or the owners relocate the signs. He stated that he cannot go and check his signs every day. Mr. Jones advised that there are other signs and other things that obstruct the intersections on the Island. He felt that as long as the signs are not a hazard, the signs should be able to be closer to the lot lines.
- Mrs. Barbara Bowden agreed with the other speakers. Mrs. Bowden stated that once she places the signs on the properties, it is not her responsibility to make sure the signs stay in place.
- Mrs. Donna Jones also agreed with the other speakers. She stated that when this ordinance was put into code, she did not think it would create the problems it has created. Mrs. Jones stated that some houses are so close to the front lot lines

that they cannot meet the ten-foot requirements. She stated that she would hope the Commission would give some relief on the small side-street properties.

- Mr. Rosenberger advised the public that it was an interesting comment from Mrs. Baczek that it is okay to have a rental sign closer to the house but not a for-sale sign. Mr. Rosenberger asked if the visibility changes from one use to another. Mrs. Baczek stated that it is confusing to the public when signs that look alike create problems. She advised that when people rent, they have the rental agencies handle the properties. Mrs. Baczek advised she was sent to court over these signs where she was fined \$50.00 plus court costs for a total of \$125.00, and the Town was out Mr. Lewis, Mr. Jeffries and Mr. Poulson. Mrs. Baczek asked who lost the most out of this. Mrs. Baczek advised that 80% of her business is from people riding around on the Island.
- Mrs. Merritt stated that there are over 1,000 vacation rentals on the island, and if the Commission allowed these signs within 10 feet of the property lines, this would look tacky.
- Mr. Myron Birch stated that he does not think it is any of the Town's business where he gives authority for a realtor to place a sign in his yard. He stated that it is his property and he felt the Town has no right to tell him where to place a sign. Mr. Birch stated that Mr. Lewis has more things to do than to put a tape measure on a sign to see if the sign is eight, nine or ten feet from a property line. Mr. Birch felt that if Mr. Lewis does not have enough to do, then the Town does not need him. He added that Mr. Lewis has enough other things to do.
- Mr. Derrickson stated that he agreed with Mrs. Merritt's and Mrs. Baczek's statements. Mr. Derrickson felt the rental signs have no purpose.
- Mrs. Wolffe stated that the Commission will let the real estate agencies know when the issues will be brought up in a future meeting.
- Mr. Lewis read to the public the proposed changes regarding the vacation rental signs and the real estate signs. "Real estate signs and vacation rental signs for less than 12 months to one tenant are permitted. Such signs shall not exceed 4 square feet in area and shall be located within 2 feet of the structure. Display of such signs is limited to one per property. Signs shall not exceed 6 feet in height....."
- Mrs. Wolffe felt that the Commission should have explained to the public prior to them leaving the reasons why the code was changed because it would make it easier to enforce.
- Mr. Lewis advised that many of the business people would like to place a sign that would best meet their needs. He stated that he felt it was interesting that the Chairman of the Board of Zoning Appeals felt that he should be able to do with his land as he wishes.
- Mr. Lewis advised that the statement was raised why the Town began enforcing the for-sale sign setback. He stated that the placement of the signs in the right-of-way became worse. Mr. Lewis stated that the court has advised the sign owners that it is their responsibility to make sure the signs meet the zoning regulations.
- Mr. Lewis stated that the enforcement of the real estate signs is not the only thing he has to do. He added that the sign placement is getting worse.

3. Sign Ordinance Review.

The Commission advised that they need to identify a definition for a mansard roof and sign placements on such. Mrs. Wolfe advised that there are many mansard roofs on the island. She felt that even though they are decorative, they are high in the air. Mrs. Wolfe felt that if the Commission is looking at lower level signs then a height limit should be place on the signs on a mansard roof.

Mr. Rosenberger stated that he would like to see sign heights at eye level. Mr. Rosenberger felt that mansard roofs are roofs and not part of the decoration of the structure.

Mr. Derrickson stated that when he got his sign, he wanted a smaller sign; however, his company wanted the larger sign. If regulations had been in place, he could have had the smaller sign.

The Commission reviewed the problems of off-premise signs. The Commission will review this issue when all members are present. The Commission talked about the type of off-premise signs such as those located on the interstates identifying food, gas, and lodging.

The Commission recommended the following change:

Sec. 7.11. Generally.

Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform to the required size restrictions and not protrude into any right-of-way **unless a land use permit is obtained from the Town of Chincoteague.**

Mr. Lewis stated that the Commission should address whether the sign bases should or should not be counted as sign area. The commission felt the base should not be counted as sign area provided no advertising is place on such.

The Commission recommended the following change:

7.11.2. Determination of sign height. The height of a sign erected within 30 feet of a street shall **not exceed 12' in height.** ~~be the distance from the grade level of the nearest street to the top of the sign or sign structure, whichever is greater.~~ The height of all signs farther than 30 feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

The Commission will re-address this matter at a future meeting.

The Commission reviewed the amount of free standing signs permitted on a parcel. The Commission will re-address this matter at a future meeting. The Commission felt that one free standing sign should be permitted for each business.

Mr. Lewis stated that strip malls and similar places of business should be permitted to have a different type of sign to enable all businesses to advertise on the main sign fronting the road.

Mrs. Wolfe stated that she will look when she goes across the bay to see how they do their multi-business type signs.

Mr. Lewis advised the Commission that in section 7.12, the first paragraph states that permits are required for all permitted signs. Mr. Lewis advised that the Town does not require a permit for vacation rental signs or real estate signs, etc. Mr. Lewis felt that in the residential districts, all permitted signs must be identified.

Mr. Rosenberger requested that Mr. Lewis arrange the permitted signs to be identified in the zoning districts as needed.

Mr. Rosenberger mentioned to the Commission to again place the Arts sub-committee on the agenda for the next month's meeting. Mr. Rosenberger advised that the Town planners should be scheduling a meeting in the near future.

Mr. Lewis advised that he has been in contact with a lady on Cakey Lane regarding the fence regulations. The citizen does not feel that a trellis type design should not be counted as a fence. Mr. Lewis requested that the Commission review this and see if the regulations need to be changed.

4. Adjournment.

Chairman Rosenberger adjourned the meeting.

Mr. Ray Rosenberger, Chairman

MINUTES OF THE MAY 23, 2006 MEETING OF THE CHINCOTEAGUE PLANNING COMMISSION

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix
Mrs. Jane Wolffe
Mr. Ray Daisey
Mrs. Ellen Richardson
Mr. Bob Behr
Mr. Tom Derrickson
Mr. Kenny L Lewis, Staff Support

1. Call to Order.

Chairman Rosenberger called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

2. Minutes of March 28, April 18 & April 25, 2006.

Mr. Rosenberger advised Mr. Lewis of some corrections that needed to be made to the minutes of March 28 and April 18, 2006. Upon correction of the mentioned items, Mrs. Richardson motioned, seconded by Mr. Daisey, to approve the minutes. All in favor. Motion carried.

3. Other Matters

- Mr. Rosenberger advised the Committee that Mr. McMahon will be coming in August to meet with the Mayor, Council and Planning Commission.
- Mr. Rosenberger advised the Commission that he has recommended to the Mayor and Council that the Town hire an additional attorney for the Planning Commission. Mr. Rosenberger advised that the Town has already addressed this issue by sending out bids for other attorneys and only received one reply.

The Committee agreed to send to Council the following letter of request:

"In the past year the Planning Commission has encountered numerous questions and concerns that have needed legal expertise to answer. Recognizing existing demands on the Town Attorney, the Commission would respectfully request the Town Council investigate the feasibility of having a secondary legal resource available to the Commission on a need basis. This secondary resource would only be used when the Town Attorney could not respond in a timely manner or when a situation is such that the Commission may need to discuss issues in a face-to-face session and the Town Attorney is unavailable or foresees that a conflict exists."

Mr. Rosenberger advised that in the BZA appeal packet that a Maryland attorney is representing one of the appellants.

Mrs. Wolffe would like to suggest that Mr. Mike Chandler of the State of Virginia could assist in obtaining an attorney.

Mr. Behr advised that he has contacted the Virginia Bar Association. The policy of the Virginia Bar is that attorneys should donate pro-bono time. Mr. Behr advised that he will give the Commission the contacts that he has on the matter.

- Mr. Rosenberger advised that Redman/Johnston will be here on May 31, 2006 for a work session.
- Mrs. Wolffe handed out a sign ordinance from another locality for review. Mrs. Wolffe also showed pictures from various locations showing the heights of signs and the placement of such. Mr. Derrickson also handed out some pictures of signs on the island that show sign heights.

4. Board of Zoning Appeals for the Month of June.

Mr. Lewis advised that the appeal for Mr. Cherrix was regarding the relocation of property lines on a non-conforming lot. Mr. Lewis advised that he informed Mr. Cherrix that the relocation of lot lines was in violation with current zoning. Mr. Cherrix recorded the plat anyway. The Town Attorney advised that he needed to be given the right to appeal.

Mr. Rosenberger advised that at the last BZA meeting he spoke regarding the lack of information being given to the Board for review. Mr. Rosenberger advised that the property owners do not even know where the septic systems are located on their properties.

Mr. Rosenberger advised to the Commission that the Conner appeal is a case where the property owner wants to place two family dwellings on one lot. Mr. Rosenberger felt that the Conner appeal was putting too much structure on too little land.

Mrs. Wolffe felt that she has a hard time commenting on density when the Town allows the amount of townhouses they do.

The Commission agreed to make no comments on the appeals.

5. Arts Sub-Committee.

Mr. Rosenberger advised the Commission that they have looked into starting an Arts sub-committee to work with the Planning Commission.

Mr. Behr handed out a packet identifying a proposal for an Architectural/Aesthetics Review Board. The packet identified board membership and goals and objectives. Mr. Behr stated that the sub-committee would advise the Commission on project proposals submitted to the Commission regarding architectural/landscape design and possible historical importance to the community. Additionally, the sub-committee would establish partnerships with the Virginia Main Program, Chincoteague Main Street Merchant Association, Chincoteague Cultural Alliance and other Island organizations. The sub-committee would also research grants and other sources for additional revenues and advise the Town Council and the Planning Commission on the newly designated "Arts and Cultural District". Mr.

Behr advised that there are six towns or cities in Virginia that are part of the Arts and Cultural District. He stated that Harrisburg, Virginia is a model for such a district.

Mr. Behr read several documents regarding creating an Arts and Cultural District. The Commission felt that he has done a lot of research.

Mr. Rosenberger felt that the "Arts and Cultural District" should not go under a sub-committee of the Planning Commission but rather the Mayor and Council. Mr. Rosenberger felt the idea is a good one.

Mr. Behr felt that a check and balance should be done to ensure that the architecture of the current structures be maintained.

Mrs. Wolffe felt that such a committee would be beneficial to the Island.

Mrs. Cherrix felt the new sub-committee would be created to assist in research for matters that would be brought to the Planning Commission.

Mr. Daisey advised that during the meeting with Redman/Johnston, there was discussion about creating a gateway corridor on Maddox Boulevard that would retain the neighborhood identity. Mr. Daisey felt this is the type of action that was needed to ensure that the architecture of the structures is maintained.

Mr. Rosenberger asked Mrs. Richardson if the Council has to approve the Planning Commission placing an item on channel 9.

Mrs. Wolffe motioned, seconded by Mrs. Cherrix, to create a new sub-committee under the Planning Commission for the purpose of reviewing ordinances and creating new ordinances, design and preservation issues. All in favor. Motion carried.

6. Fence Ordinance.

Mr. Rosenberger advised that the Zoning Administrator has requested the Commission look into a trellis definition. Mr. Lewis has advised that a local landscape contractor has made an argument that a trellis is not a fence. Mr. Lewis advised that the proposed trellis is a six foot high section of fence six to fifteen feet long and not of the normal trellis design. Mr. Lewis advised that the trellis is located on the interior of the lot and not against the lot lines.

Mr. Derrickson felt that if a property is 100' wide and the property owner wants to place a 50' fence/trellis along the property, then he would consider it a trellis-type structure. Mr. Derrickson felt that a clarification should be made. Mr. Derrickson asked what the definition of a fence is under current zoning.

Mr. Daisey advised that he has seen several fences that hide propane tanks. Mr. Daisey advised that there is no question that this type of structure is a fence.

Mrs. Wolffe asked if a definition should be made for a trellis and an arbor.

Mr. Behr felt that a fence is such that borders the property and not on the interior of the property.

Mrs. Richardson advised that Ms. Lucille Fox has a four-foot high fence section that has flowers in front of it and that it looks good. Mrs. Richardson felt this would not be considered a fence.

The Committee felt that the issue of a trellis and an arbor should be placed on the next agenda.

7. Adjournment.

Mr. Rosenberger announced that the next work session for the Planning Commission will be held on June 6, 2006 at 7:00 pm. The purpose of this work session will be to review the sign ordinance.

Chairman Rosenberger adjourned the meeting.

Mr. Ray Rosenberger, Chairman

MINUTES OF THE JUNE 6, 2006 WORK SESSION OF THE CHINCOTEAGUE PLANNING COMMISSION

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix
Mrs. Jane Wolffe
Mr. Ray Daisey
Mrs. Ellen Richardson
Mr. Tom Derrickson
Mr. Kenny L. Lewis, Staff Support

Members Absent:

Mr. Bob Behr

1. Call to Order.

Chairman Rosenberger called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

2. Other Matters.

- Mr. Rosenberger asked the Commission if they have sent in their comments regarding the opening of the drawbridge every two hours instead of every hour.
- Mr. Rosenberger asked the Commission if they had a copy of the draft questionnaire that will be sent out to the public for comments from Redman/Johnston. Mr. Rosenberger requested that the Commission review the questionnaire and make any relevant comments as soon as possible.
- Mr. Rosenberger questioned the statement in the survey that the Historic District will be from Church Street to the fire house. Mr. Rosenberger was under the impression that the historic district would be from Smith Street to Jester Street. Mr. Rosenberger advised that he will get in touch with Mr. Jeffries on the matter.
- Mr. Rosenberger advised the Commission that two hearings will be held at the end of June with Redman/Johnston. The meeting dates will be June 28 & 29, 2006.
- Mr. Daisey asked Mrs. Richardson if the Council has ever considered televising the Town meetings. Mrs. Richardson advised that Falcon Cable used to televise the Council meetings.
- Mr. Rosenberger advised that Mr. Behr put together a draft to be put on Channel 9. The notice will read as follows: "The Town of Chincoteague's Planning Commission is in the process of creating an Island Beautification sub-committee to assist the Commission. This is a unique opportunity to help shape the future visual appearance of the Island for the enjoyment of our community members and visitors alike. If interested in volunteering please submit a brief relevant personal qualifications and why you would like to serve on this sub-committee. Please send information by July 21, 2006 to Ray Rosenberger, Chairman of the Planning Commission, Town of Chincoteague, 6150 Community Drive, Chincoteague, VA 23336."

Mrs. Wolffe motioned, seconded by Mr. Derrickson, to send the above notice to Channel 9. All in favor. Motion carried.

Mrs. Richardson questioned the purpose of the sub-committee. Mr. Rosenberger advised they would be giving guidelines on issues with visibility items such as signs, and also for design of buildings to conform to existing types of buildings as we currently have. Mr. Rosenberger felt that if needed, the Commission can review the purpose of the sub-committee at the next scheduled meeting.

Mr. Rosenberger advised that State Code allows the Commission to set up sub-committees made up of one or two of the members of the Commission and with the public as a reference and a resource for information for the Commission. Mr. Rosenberger felt this is a time saver for the Commission.

Mrs. Wolfe advised that currently Snow Hill, Maryland has such a committee.

Mr. Derrickson asked if the Council should be approving the proposed sub-committee. Mr. Rosenberger advised the Commission has the right; however, as the sub-committee gets started then the Council should review the requirements for the committee.

Mr. Robert Ritter, Town Manager, stated that the sub-committee as presented by the Planning Commission will be more of a code enforcement committee since they will be looking at plans and specs for the project to ensure they are to code. Mr. Rosenberger advised that the sub-committee will ensure that the ordinances have been met. Mr. Rosenberger advised that the Commission has no legislation authority but the Commission does have the right to confront the developers and make requests, suggestions and challenges to make sure the safety and well-being is met.

3. Trellis and Arbors.

Mr. Daisey stated that he has noticed several fences on Willow Street that would create the problems Mr. Lewis was having with fences/trellis.

The Commission will review this matter at their next meeting.

4. Signs.

Mr. Rosenberger advised that Mr. Lewis has updated the changes in the sign ordinance for review.

Mr. Lewis identified sections of the sign ordinance that still need to be addressed.

Mr. Rosenberger advised that Section 7.3.13, 'Temporary real estate signs' will be readdressed when the realtors can come to the meeting.

The Committee recommends the following changes:

Sec. 7.7. Nonconforming signs.

Any sign which does not conform to the provisions herein as of January 4, 1994 or any date on which the ordinance is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign.

7.7.1 A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this ordinance; however, it cannot be enlarged, redesigned or altered in any way excluding general maintenance, except to conform to the requirements of this chapter.

7.7.2 A change in business ownership, change in the certificate of occupancy, or change in the business license requires that a non-conforming sign be removed or brought into compliance within sixty (60) days of a change either in ownership, occupancy or business license. Whenever the ownership, occupancy, or business license changes, the new owner, occupant, or licensee shall be required to remove, change or alter such signs to conform to this chapter.

7.7.3 Any business advertising products or services which are no longer available shall remove such signs within 60 days.

7.7.4 If the business continues to operate as the same business but changes leaseholder, then only one nonconforming sign which identifies the business name may remain but all other nonconforming signs must be removed. Any new signs must conform to this chapter.

7.7.5 If a business remains with the owner but ceases to operate for two years then all conforming and nonconforming signs shall be removed.

The Commission also reviewed the following sections:

7.11.1. *Determination of sign area.* In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. *Determination of sign height.* The maximum height of a sign from grade level shall be 12 feet. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

7.11.3. *Spacing of freestanding signs.* No freestanding sign shall be erected within 50 feet of another freestanding sign on the same lot.

(7) *Roof signs.* Roof signs, not exceeding a total area of 100 square feet, may be erected or displayed in the commercial district only; provided, that the area of any roof sign shall be included in the total area of signs permitted by this section and shall not be in addition thereto. No roof sign shall project beyond the property line nor extend more than ten feet above the roof level at the point where it is erected.

(8) *Freestanding signs.* Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided. No signs other than those indicated on the sign application shall be attached to a freestanding sign. Freestanding signs shall not be placed within ten feet of any street right-of-way. Freestanding signs shall not be erected more than 30 feet above grade nor project beyond the established street line, and shall not exceed 100 square feet in area. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this section shall be two square feet for each foot of lot frontage; provided, that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in the other paragraphs of the section.

7.12.2. *Gasoline stations.* Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:

(1) *Changeable fuel price signs.* Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in the sign area for the business.

(2) *Gas pump signs.* Each gas pump shall be permitted a total of 1½ square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.)

7.12.3. *Office and/or industrial centers.* Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

(1) *Center identification signs.* One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.

(2) *Individual establishment signs.* Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 15 feet above the ground.

7.12.4. *Directory signs.* Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

7.12.5. *Theaters.* Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name and time of the current motion picture or theatrical production.
(Ord. of 4-4-1994)

The Commission will review mansard roof signs, definition of a mansard roof and individual establishment signs at their next meeting.

5. Adjournment.

Chairman Rosenberger adjourned the meeting.

Mr. Ray Rosenberger, Chairman

Public Works Committee Meeting
13 June 2006
MINUTES

Present: Hon. Ronald Mason, Chairman
Hon. Terry Howard, Councilman
Michael Cosby, Public Works Director

Chairman Mason called the meeting to order at 5:15 pm with Mr. David Ross, Mr. Robert Ritter, Mr. J.W. Jeffries and Mr. Ray Rosenberger also in attendance.

1. Consider approval of 9 May 2006 Minutes. The minutes were approved as presented.
2. Harbor office and rest rooms. Mr. Jeffries reported that we are still waiting on the electrical plans for our review. Mr. Mason stated we were awarded \$200,000 in Port Authority grant funds, part of which can be used for this project.
3. Commercial billing for trailer lots. Mr. Jeffries explained a request to change the water billing rate for the Circle Drive Trailer Park from commercial to residential. The owner sold the trailers and is now only renting the lots. After discussion, the Committee denied the request because the rental properties are still considered commercial
4. Main Street sidewalk project. Mr. Cosby stated that the project was finished today with the exception of some minor brick work. He also described some of the unplanned work that was completed during the project.
5. Water main project. Mr. Jeffries explained the remaining tasks of completing four tie-ins and pavement repairs, which should be finished by the end of the month. He also brought up the possibility of obtaining the leftover 1000 feet of HPDE pipe. The Committee agreed that we should keep the pipe if it is financially feasible. Mr. Ritter discussed the need for an air release valve at the bridge, for which T.A. Sheets has agreed to provide a quote.
6. Other Matters. Mr. Howard expressed his concerns regarding the transport of large, overweight equipment on the bridge and the serious problems this may cause. Mr. Jeffries agreed to contact VDOT for possible solutions.

Mr. Howard thanked Chairman Mason for the hard work and abilities that he has contributed to the Committee and stated that he should be commended for his efforts.

The next meeting is scheduled for Tuesday, 11 July 2006 at 5:00 pm.

Chairman Mason adjourned the meeting at 5:50 pm.